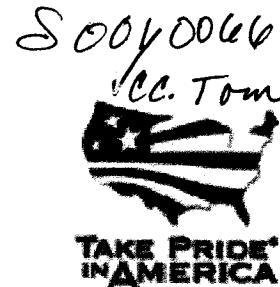




United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84720
Telephone (435) 586-2401
www.ut.blm.gov/cedar_city/



IN REPLY REFER TO:
3809
(UT-042)
UTU-81473

CERTIFIED MAIL #7006 2150 0003 6615 5285
RETURN RECEIPT REQUESTED

May 20, 2008

DECISION

S. Heather Scholz, Registered Agent
Earth Partner's, LLC
P.O. Box 1671
Beaver, UT 84713

: Notice Expired 43 CFR 3809.300(d)
:
:
:
:

RECEIVED

MAY 22 2008

Dear Ms. Scholz:

DIV. OF OIL, GAS & MINING

We did not receive a request in writing from you to extend your notice UTU- 81473. The current 43 CFR 3809 regulations state that a notice remains in effect for two years (43 CFR 3809.332). The notice must be extended prior to the expiration date in order to remain in effect. Your notice expired on January 30, 2008 in accordance with 43 CFR 3809.333. It is my understanding from inspections made at the site that no activity occurred while the notice was in effect and so no reclamation work is required to close out the notice.

It is also my understanding that it is your intent to re-authorize all or part of the exploration activity at this site by the submission of a new notice. The information required for submission of a complete notice is found at 43 CFR 3809.301. Please keep in mind that the new notice and bond must be accepted prior to any earth disturbing activities occurring at this site.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State

0002

Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the BLM Cedar City Field Office, 176 East DL Sargent Drive, Cedar City, UT 84720 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay


Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted,

and

4. Whether the public interest favors granting the stay.

Sincerely,



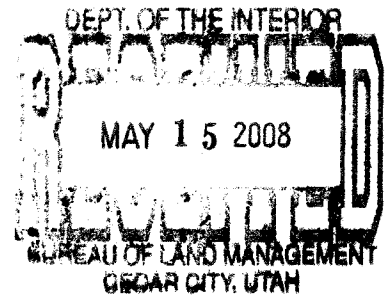
Todd S. Christensen
Field Office Manager

Associate

cc: Tom Munson, DOGM (Munchkin Project, S/001/066)

MINING NOTICE

Munchkin Claim(s)



Claimant Information

Name: *Earth's Partners LLC*
Taxpayer ID #: *5304713-0160*
Address: *P.O. Box 1671*
Beaver, UT 84713
Telephone: *(435)438-5522*

Operator Information

Name: *same as above*
Address:
Telephone:

Mining Claims

<u>Claim Name</u>	<u>UMC Serial #</u>	<u>Claim Type</u>
<i>Munchkin # 1,2,3</i>	<i>UMC 371500, 371501, 371502</i>	<i>Lode</i>

Activity/Mineral Type: Mining ☒ Exploration ☐

Location of proposed Activity

Township 26S, Range 16W, Section 25,

See recorded maps for the 1/4 sections of Munchkin 1,2,3

MINING NOTICE

Munchkin Claim(s) (continued, p. 2)

Proposed Operations

Estimated Dates of Operation:

Description of Operations (including location and size of surface areas to be disturbed, structures and facilities):

Operations will be exploratory mining of under 700 tons. Gemstone grade materials will be removed with as little surface disturbance as possible. Each claim will have new disturbance of approximately a 1/2 acre.

Schedule of Activities:

Proposed operations will begin after approval of plan. All operations will be intermittent. Reclamation will be completed upon claimants determination of depletion of resource.

Access Routes

Proposed improvement of existing roads:

Improvement of existing roads is not necessary. Operators will use the existing roads.

Proposal of new roads:

The proposal of creating new roads is not necessary. Existing roads will be used.

Existing Disturbances

Description of existing surface disturbance:

The area has been mined before.

MINING NOTICE

Munchkin Claim(s) (continued, p. 3)

Proposed Reclamation

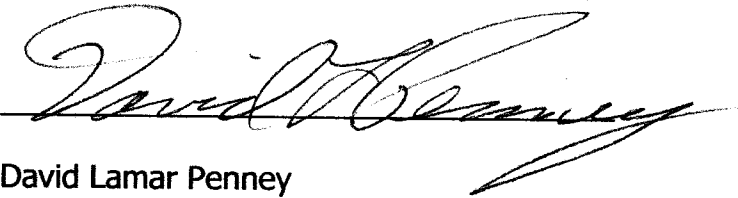
Description of reclamation procedures or other measures taken to prevent undue or unnecessary degradation of public lands:

Long-term mining should be expected. Topsoil will be stockpiled for future reclamation. The mined area will be backfilled using an excavator (330 CAT or any other necessary equipment) and then re-contoured to represent natural topography. The topsoil will be spread over the new topography and reseeded with a BLM approved seed mix. A rock outcrop may be left exposed for geologic purposes. All trash will be disposed of properly. Reclamation Bond estimate to be determined by the BLM.

Reclamation of all areas disturbed will be completed to the standards described in 43 CFR 3809. 1-3(d) and reasonable measures will be taken to prevent unnecessary and undue degradation of Federal lands during operations.



S. Heather Scholz, Registered Agent
Partner, Operator
Earth's Partners LLC



David Lamar Penney
Partner, Operator
Earth's Partners LLC

Attachments:

Access Map
Existing Disturbance



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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IN REPLY REFER TO:
3809
(UT-042)
UTU-82964

May 20, 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
7006 2150 0003 6615 5278

S. Heather Scholz, Registered Agent
Earth Partner's, LLC
P.O. Box 1671
Beaver, UT 84713

RECEIVED

MAY 22 2008

Dear Ms Scholz:

DIV. OF OIL, GAS & MINING

On May 15, 2008, this office received your notice of intention to conduct exploratory mining on the Munchkin #1-3 lode mining claims. As you are aware, because the lands proposed for disturbance in the project are administered by the BLM, this office has jurisdiction for the project disturbances under the 43 CFR 3809 regulations. The State of Utah, Division of Oil, Gas, and Mining (Division) also has regulatory authority over the proposed project disturbances under their rules developed as a result of the Mined Land Reclamation Act of 1975. The BLM has assigned file UTU-82964 to the proposed project, and we have sent a copy of the project notice to the Division for their review.

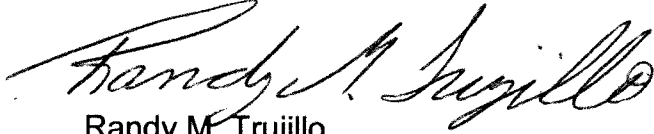
Ed Ginouves of my staff has reviewed the notice and identified the following deficiencies under the 3809 regulations that will need to be addressed before we can consider the notice complete under those regulations:

1. A map showing the location of your project area in sufficient detail for BLM to be able to find it and the location of access routes you intend to use or improve. (43 CFR 3809.301(b)(2)(ii)). Before we can complete the necessary critical resource clearances BLM must know the precise location(s) of any areas to be disturbed under the notice. It is also necessary to have an accurate map of the areas to be disturbed to confirm the reclamation bond amount estimate.
2. A reclamation cost estimate (43 CFR 3809.301(b)(4) and 43 CFR 3809.552). If you do not want to prepare and submit a detailed reclamation cost estimate, the BLM Cedar City Field Office and the State of Utah, Division of Oil, Gas, and Mining, estimates that the necessary bond will amount to \$5,900 for the first acre of disturbance

and \$3,700 for each additional acre or fraction of an acre, up to a total disturbance of five acres.

Until the above deficiencies are addressed, the submitted notice will be considered incomplete and no further action will be taken to review it. If you have any questions regarding these deficiencies, please contact Mr. Ginouves, at 435-865-3040.

Sincerely,

A handwritten signature in cursive script, reading "Randy M. Trujillo". The signature is written in black ink and is positioned above the printed name and title.

Randy M. Trujillo
Associate Field Office Manager

cc: Tom Munson, DOGM (with copy of Mining Notice)